

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

---

FIRST HORIZON HOME LOANS, a division of  
First Tennessee Bank National Association,

Plaintiff,

v.

RICHARD MARK GARDNER,

Defendant.

---

NO. 2:12-cv-01757-CRE

**PLAINTIFF FIRST HORIZON HOME LOANS, A DIVISION OF FIRST TENNESSEE  
BANK NATIONAL ASSOCIATION’S MOTION TO PERMIT ITS DESIGNATED  
REPRESENTATIVE TO APPEAR TELEPHONICALLY AT THE EARLY NEUTRAL  
EVALUATION ON MAY 8, 2013**

Plaintiff First Horizon Home Loans, a Division of First Tennessee Bank National Association (“Plaintiff”), by the undersigned counsel, hereby files this Motion seeking an Order permitting its representative to appear telephonically at the Early Neutral Evaluation scheduled for May 8, 2013, and in support thereof, states:

1. I am the Attorney directly responsible for this matter.
2. On April 22, 2013, an Order was entered referring this matter to Alternative Dispute Resolution and Patricia Dodge, Esquire was appointed to serve as the Neutral. See Docket Entry 19.
3. The Order requires that the Early Neutral Evaluation be concluded before May 20, 2013. *Id.*
4. The Early Neutral Evaluation is scheduled for May 8, 2013.
5. A representative of Plaintiff is unavailable to physically appear at the Early Neutral Evaluation on May 8, 2013, but is able to appear telephonically.

6. I have conferred with Alexander J. Jamiolkowski, Counsel for Defendant Richard Mark Gardner and Patricia Dodge, Esquire and they have both consented to a representative of Plaintiff appearing telephonically on May 8, 2013.

7. I hereby request that the Court enter an Order permitting Plaintiff's representative to appear telephonically at the Early Neutral Evaluation scheduled for May 8, 2013.

I certify under penalty of perjury that the foregoing is true and correct.

Dated: May 2, 2013

Respectfully submitted,

/s/ Brett L. Messinger  
Brett L. Messinger, Esq.  
Duane Morris LLP  
30 South 17<sup>th</sup> Street  
Philadelphia, PA 19103  
Telephone: (215) 979-1000  
Email: BLMessinger@duanemorris.com

*Attorneys for First Horizon Home Loans, a  
Division of First Tennessee Bank National  
Association*